



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: MARCH 08, 2023

IN THE MATTER OF:

Appeal Board No. 626791

PRESENT: RANDALL T. DOUGLAS, MEMBER

In Appeal Board Nos. 626790 and 626791, the claimant appeals from the combined decision of the Administrative Law Judge filed November 3, 2022, insofar as they sustained the initial determinations holding the claimant ineligible to receive benefits, effective August 31, 2020 (inadvertently recited as August 21, 2020) through September 6, 2020, January 4, 2021 through January 10, 2021, January 18, 2021 through January 24, 2021, and May 31, 2021 through June 6, 2021, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification; and holding the claimant ineligible to receive benefits, effective September 6, 2020 through October 25, 2020, January 25, 2021 through May 15, 2021, and June 7, 2021 through September 5, 2021, on the basis that the claimant did not comply with registration requirements.

At the combined telephone conference hearings before the Administrative Law Judge, at which testimony was taken. There was an appearance by the claimant.

Our review of the record reveals that the case should be remanded to hold a hearing. The Judge denied the request made by claimant for an adjournment to produce her telephone records. However, based on our review of the record, we conclude that there was good cause to grant the adjournment because her telephone records may be necessary to obtain a complete record upon which a decision may be based.

Consequently, a further hearing is necessary to afford the claimant an opportunity to produce her telephone records at another hearing. If the claimant's son is unable to obtain the records from his plan for her telephone

line for the period of August 31, 2020 through September 5, 2021, the claimant may apply to the Judge for a subpoena to obtain such evidence. The claimant's application for a subpoena must contain a written authorization from her son in order for the Judge to issue a subpoena for her son's telephone records. The request for a subpoena should be made as soon as possible following receipt of this combined decision. The request should be made to the following Hearing Office: UIAB Administrative Law Judge Section, 450 S Salina St 3rd FL, RM 301, Syracuse NY 13202. The telephone number is: (315) 479-3380.

Now, based on all of the foregoing, it is

ORDERED, that the combined decisions of the Administrative Law Judge be, and the same hereby are, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a combined telephone conference hearing on the issues, upon due notice to all parties and their representatives; and it is further

ORDERED, that the combined telephone conference hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new combined decision, on the issues, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

RANDALL T. DOUGLAS, MEMBER